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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

GENA GAHR, personal representative for the
Estate of MATTHEW GAHR, deceased,

Case No. _____

Plaintiff,

v.

Marion County Circuit Court
Case No. 22CV20030

MARION COUNTY, AN OREGON COUNTY,
JOE KAST, AN INDIVIDUAL, TAD LARSON,
AN INDIVIDUAL, BOBBIE FRANCE, AN
INDIVIDUAL, BRYAN NGUYEN, AN
INDIVIDUAL, DONNA MILLAN, AN
INDIVIDUAL, JOHN DOE 1, AN
INDIVIDUAL, MATTHEW LIPSCOMB, AN
INDIVIDUAL, JOHN AND JANE DOES 2-15,
INDIVIDUALS,

**NOTICE OF REMOVAL TO
FEDERAL COURT**

Defendants.

TO: The Judges and Clerk of the United States District Court for the District of Oregon:

Pursuant to 28 U.S.C. § 1331, 1367, 1441, and 1446, Defendants Marion County, Joe
Kast, Tad Larson, Bobbie France, Bryan Nguyen, Donna Millan, and Matthew Lipscomb
("Defendants") hereby file this notice of removal of civil action, removing the above-captioned

action from the Circuit Court for the State of Oregon for the County of Marion, in which it is pending, to the United States District Court for the District of Oregon. In support of removal, Defendants state as follows:

NOTICE OF REMOVAL IS TIMELY

1. On June 17, 2022, counsel for Plaintiff Gena Gahr, as personal representative of the Estate of Matthew Gahr, filed a complaint in the Circuit Court of the State of Oregon for the County of Marion, docketed as Case No. 22CV20030 (“State Court Action”). Defendant Marion County’s first notice of the case was when it was served with the complaint and summons. Defendants Marion County, Joe Kast, and Tad Larson were served on July 14, 2022. The undersigned counsel accepted service of the summons and complaint for Bobbie France, Bryan Nguyen, and Donna Millan by email response to Plaintiff’s counsel on July 19, 2022. Defendant Matthew Lipscomb was served on July 29, 2022. (Exhibit 1)
2. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1).
3. Defendants file this Notice of Removal within 30 days of service of the complaint, which as discussed below, created a federal question as required by 28 U.S.C. § 1331.
4. Other than the procedural assignment of a circuit court judge and a change of counsel for Plaintiff, no further proceedings have been occurred in the Marion County Circuit Court as of the date of this removal. (Exhibit 2)
5. No Previous requests have been made for the relief requested.

FEDERAL QUESTION

6. This is a civil action over which this court has original jurisdiction based on federal question, pursuant to 28 U.S.C. § 1331.
7. The second, third, and part of the fourth claims for relief of the complaint alleges, against all the defendants, violations of 42 U.S.C. § 1983 and 42 U.S.C. § 12101. Specifically,

the claims allege violations of plaintiff's rights under the Eighth and/or Fourteenth Amendments, and under Title II of the Americans with Disabilities Act. (Exhibit 1, Complaint pages 22, 26.)

SUPPLEMENTAL JURISDICTION

8. This Court has supplemental jurisdiction over all other claims that are related to the federal question pursuant to 28 U.S.C. § 1367.
9. The first and fourth claims for relief in the complaint contain claims that do not present federal questions. However, these claims are related to the federal question claims. (Exhibit 1, Complaint pages 19, 26.)

CONSENT OF CO-DEFENDANTS

10. All identified defendants join in this removal. A copy of defendants Marion County, Joe Kast, Tad Larson, Bobbie France, Bryan Nguyen, Donna Millan, and Matthew Lipscomb's Consent to Removal is attached. (Exhibit 3)

REMOVAL TO THIS DISTRICT IS PROPER

11. Written notice of the filing of this Notice of Removal will be given to the plaintiff as provided by law.
12. A true copy of this Notice of Removal will be filed with the Court Clerk of the Circuit Court for the State of Oregon the County of Marion, as provided by law.
13. Pursuant to 28 U.S.C. § 1331, 1367, 1441, and 1446, removal of the above captioned State Court Action to this Court is appropriate.
14. Pursuant to 28 U.S.C. § 1441(a), removal to this Court is appropriate as the district and division embracing the place where the State Court Action is pending.

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WHEREFORE, Defendants pray that the above action now pending against it in the Circuit Court for the State of Oregon for the County of Marion be removed to the United States District Court for the District of Oregon.

Dated this 12th day of August 2022

Respectfully submitted,

JANE E. VETTO
MARION COUNTY LEGAL COUNSEL

/s/ John D. Adams

John D. Adams, OSB #132897
Marion County Sr. Asst. Legal Counsel
Attorney for Defendants Marion County et al

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF REMOVAL, CONSENT TO REMOVAL TO FEDERAL COURT, EXHIBITS 1-3 on:

Neal Weingart
1 SW Columbia St., Suite 1850
Portland, OR 97204
neal@nealweingartlaw.com

By the following indicated method or methods:

- ☐ By electronic means through the Court's Case Management/Electronic Case File system on the date set forth below;
- ☒ By mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney's last known office address listed above and causing it to be deposited in the U.S. mail at Salem, Oregon on the date set forth below;
- ☒ By electronic means to the attorney's last-known e-mail address listed on the Oregon State Bar Online Membership Directory on the date set forth below;
- ☐ By causing a copy thereof to be hand-delivered to said attorney at each attorney's last-known office address listed above on the date set forth below;

DATED this 12th day of August 2022.

/s/ John D. Adams
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